

MORRIS, JAMES, HITCHENS & WILLIAMS LLP

222 Delaware Avenue, 10th Floor
Wilmington, Delaware 19801-1621
(302) 888-6800
Facsimile (302) 571-1750
www.morrisjames.com

Mary B. Matterer
(302) 888-6960
mmatterer@morrisjames.com

Mailing Address
P.O. Box 2306
Wilmington, DE 19899-2306

April 10, 2006

VIA EFILING

The Hon. Kent A. Jordan
USDC for the District of Delaware
844 King Street
Wilmington, DE 19801

**RE: In Re: '318 Patent Infringement Litigation,
C.A. No. 05-356 (KAJ) (consolidated)**

Your Honor:

Mylan will be responding today to Ms. Lydon's letter of March 31, 2006, in accordance with Paragraph 4(f) of the Scheduling Order in advance of the teleconference set for Wednesday, April 12 at 2:00 p.m.


This afternoon, Janssen filed a second letter admittedly in violation of the Court's procedure. Rather than meet and confer with counsel as required by D. Del. L. R. 7.1.1, Janssen asked this Court to inject new issues into the previously scheduled teleconference before they are ripe. Janssen has newly complained about events taking place during a recent deposition. The unofficial transcript, a portion of which was attached to Janssen's letter today, was distributed to counsel on Thursday evening.¹ Had Janssen promptly disclosed its new issues to Mylan on Thursday or Friday, even if the parties could not fully resolve them, at least Mylan's counsel could have reviewed the record during the weekend and included Mylan's response to those new issues in its letter today. Instead, Janssen withheld from Mylan its intent to seek this additional relief from the Court. After four days with the transcript, Janssen filed its letter late this afternoon leaving only one day for Mylan to respond, at a time when counsel, among other things, are otherwise engaged in preparing for depositions in this very litigation. If Janssen wanted to bypass the rules, at least it should have alerted Mylan so that Mylan could have been in a position to respond on an expedited basis.

¹ Significantly, this unofficial transcript provides a "Notice" on the first page that "[i]t is not to be . . . quoted in any pleading or for any other purpose and may not be filed with any court."

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Mylan requests a fair opportunity to respond to the unfounded claims in Janssen's new letter and respectfully requests the Court to defer consideration until after the parties have appropriately met and conferred and Mylan has been afforded at least a similar amount of time to respond as Janssen took to disclose its new complaints. If the Court would prefer to avoid a second teleconference, Mylan respectfully suggests that the April 12 teleconference be rescheduled to permit Mylan a fair opportunity to respond to the new issues raised today.

Respectfully,



Mary B. Malterer

Attachments

cc: Attached Service List (via email)

SERVICE LIST

<p><u>Via Fed Ex® and E-mail:</u> George F. Pappas (<i>gpappas@cov.com</i>) Christopher N. Sipes (<i>csipes@cov.com</i>) Jeffrey B. Elikan (<i>jelikan@cov.com</i>) Laura H. McNeill (<i>lmcneill@cov.com</i>) Joseph H. Huynh (<i>jhuynh@cov.com</i>) Uma N. Everett (<i>ueverett@cov.com</i>) Michael E. Paulhus (<i>mpaulhus@cov.com</i>) William D.A. Zerhouni (<i>wzerhouni@cov.com</i>) COVINGTON & BURLING 1201 Pennsylvania Avenue, N.W. Washington, D.C. 20004-2401 Telephone: (202) 662-6000 Facsimile: (202) 662-6291</p>	<p><u>Via Hand Delivery and Email:</u> John G. Day (<i>jday@ashby-geddes.com</i>) Steven J. Balick (<i>sbalick@ashby-geddes.com</i>) ASHBY & GEDDES 222 Delaware Ave., 17th Fl. P.O. Box 1150 Wilmington, DE 19899 Telephone: (302) 654-1888 Facsimile: (302) 654-2067</p>
<p align="center"><i>Counsel for Plaintiffs Janssen Pharmaceutica N.V., Janssen, L.P. and Synaptech, Inc.</i></p>	
<p><u>Via Email:</u> Frederick L. Cottrell, III (<i>cottrell@rlf.com</i>) Anne Shea Gaza (<i>gaza@rlf.com</i>) RICHARDS, LAYTON & FINGER, P.A. One Rodney Square P.O. Box 551 Wilmington, DE 19801 Telephone: (302) 651-7509 Facsimile: (302) 651-7701</p>	<p><u>Via Email:</u> Alan Bernstein (<i>abernstein@crbcp.com</i>) Mona Gupta (<i>mgupta@crbcp.com</i>) CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOV, LTD. 1635 Market Street, 11th Floor Philadelphia, PA 19103-2212 Telephone: (215) 567-2010 Facsimile: (215) 751-1142</p>
<p align="center"><i>Counsel for Defendant Alphapharm Pty Ltd.</i></p>	
<p><u>Via Email:</u> Josy W. Ingersoll (<i>jingersoll@ycst.com</i>) John W. Shaw (<i>jshaw@ycst.com</i>) Adam W. Poff (<i>apoff@ycst.com</i>) YOUNG CONAWAY STARGATT & TAYLOR LLP The Brandywine Building 1000 West St., 17th Floor P.O. Box 391 Wilmington, DE 19899-0391 Telephone: (302) 571-6600 Facsimile: (302) 571-1253</p>	<p><u>Via Email:</u> Daniel F. Attridge, P.C. (<i>dattridge@kirkland.com</i>) Edward C. Donovan (<i>edonovan@kirkland.com</i>) Karen M. Robinson (<i>krobinson@kirkland.com</i>) Corey J. Manley (<i>cmanley@kirkland.com</i>) KIRKLAND & ELLIS LLP 655 Fifteenth Street, N.W., Suite 1200 Washington, D.C. 20005-5793 Telephone: (202) 879-5000 Facsimile: (202) 879-5200</p>
<p align="center"><i>Counsel for Defendants Teva Pharmaceuticals USA and Teva Pharmaceuticals Industries Ltd.</i></p>	

<p><u>Via Email:</u> Philip A. Rovner (<i>provner@potteranderson.com</i>) POTTER ANDERSON & CORROON LLP 1313 N. Market Street, Hercules Plaza, 6th Floor P.O. Box 951 Wilmington, DE 19899-0951 Telephone: (302) 984-6000 Facsimile: (302) 658-1192</p>	<p><u>Via Email:</u> Barbara S. Wahl (<i>wahl.barbara@arentfox.com</i>) Richard J. Berman (<i>berman.richard@arentfox.com</i>) D. Jacques Smith (<i>smith.jacques@arentfox.com</i>) Janine A. Carlan (<i>carlanjanine@arentfox.com</i>) John K. Hsu (<i>hsu.john@arentfox.com</i>) ARENT FOX PLLC 1050 Connecticut Ave., N.W. Washington, D.C. 20036-5339 Telephone: (202) 857-6000 Facsimile: (202) 857-6395</p>
<p align="center"><i>Counsel for Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc.</i></p>	
<p><u>Via Email:</u> Richard L. Horwitz (<i>rhorwitz@potteranderson.com</i>) David Ellis Moore (<i>dmoore@potteranderson.com</i>) POTTER ANDERSON & CORROON LLP Hercules Plaza P.O. Box 951 Wilmington, DE 19899 Telephone: (302) 984-6027 Facsimile: (302) 658-1192</p>	<p><u>Via Email:</u> Stuart Sender (<i>ssender@budd-larner.com</i>) BUDD LARNER 150 John F. Kennedy Parkway Short Hills, NY 07078-0999 Telephone: (973) 315-4462 Facsimile: (973) 379-7734</p>
<p align="center"><i>Counsel for Defendants Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd.</i></p>	
<p><u>Via Email:</u> Richard D. Kirk (<i>rkirk@bayardfirm.com</i>) THE BAYARD FIRM 222 Delaware Ave., Suite 900 P.O. Box 25130 Wilmington, DE 19899 Telephone: (302) 655-5000 Facsimile: (302) 658-6395</p>	<p><u>Via Email:</u> Robert J. Gunther, Jr. (<i>robert.gunther@lw.com</i>) James P. Barabas (<i>james.barabas@lw.com</i>) LATHAM & WATKINS LLP 885 Third Ave., Suite 1000 New York, NY 10022-4802 Telephone: (212) 906-1200 Facsimile: (212) 751-4864</p>
<p align="center"><i>Counsel for Defendants Purepac Pharmaceutical Co. and Alpha Pharma Inc.</i></p>	

Via Email:

John C. Phillips, Jr. (*jcp@pgslaw.com*)

Brian E. Farnan (*bef@pgslaw.com*)

PHILLIPS, GOLDMAN & SPENCE, P.A.

1200 N. Broom St.

Wilmington, DE 19806

Telephone: (302) 655-4200

Facsimile: (302) 655-4210

Via Email:

George C. Lombardi (*glombardi@winston.com*)

Taras A. Gracey (*tgracey@winston.com*)

Lynn M. Ulrich (*lulrich@winston.com*)

Brian L. Franklin (*bfranklin@winston.com*)

WINSTON & STRAWN LLP

35 West Wacker Dr.

Chicago, IL 60601

Telephone: (312) 558-5000

Facsimile: (312) 558-5700

Counsel for Defendants Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc.